

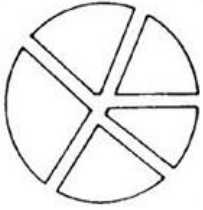
TYPE IV

Certificate of Appropriateness Application Package

Unreasonable Economic Return

**CITY OF ATLANTA
ATLANTA URBAN DESIGN COMMISSION**
55 Trinity Avenue S.W., Suite 3400
Atlanta, Georgia 30335
(404) 330-6200 FAX (404) 658-6734

February 2004



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Atlanta, Georgia 30335
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Certificate of Appropriateness Application Package Step by Step Checklist

- ☐ Review **CERTIFICATE OF APPROPRIATENESS PROCESS**.
- ☐ Refer to the **Deadlines for Certificate of Appropriateness Applications** table for application deadline, sign posting deadline, and corresponding hearing date.
- ☐ Applicants should **ALL submit relevant** as specified in the attached Addendum.
- ☐ All applicants submitting a **Type IV Application** to the Atlanta Urban Design Commission must provide 12 copies of all materials the applicant would like the Commission to consider.
- ☐ Complete appropriate application in full and return it to the Commission staff with original signatures before 5:00 pm on the appropriate deadline date.
- ☐ Read, sign and return the **Sign Posting Instructions** to the Commission staff and pick up the appropriate number of signs.
- ☐ Review **Neighborhood Notification Form**, if required and post signs according to instructions before the sign posting deadline.
- ☐ Return the signed and notarized **Sign Posting Affidavit** to the Commission *before your hearing date. If the notarized affidavit is not received before your hearing date, your case will not be heard.*
- ☐ The Atlanta Urban Design Commission will publish and mail to you an **agenda** for your hearing date.
- ☐ The Atlanta Urban Design Commission will fax a **staff report** to you regarding your application prior to your hearing date. Review the staff report prior to the meeting. (This is the staff's assessment of your project per the relevant resolutions).
- ☐ At the Atlanta Urban Design Commission Meeting you can make a presentation about your proposal.

Certificate of Appropriateness Process

A Certificate of Appropriateness must be issued by the Atlanta Urban Design Commission before a building permit can be issued for changes to the exterior of any individually designated building, or any building in a designated district.

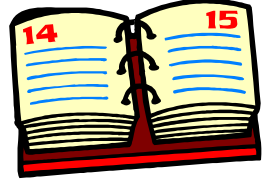
Step One:

Obtain appropriate application materials from the Atlanta Urban Design Commission and check the deadline schedule to determine important dates and deadlines for your application.



Step Two:

Submit completed application, with original signatures, and all supplemental material by 5:00 p.m. on the appropriate deadline.



Step Four:

The Urban Design Commission meets on the 2nd and 4th Wednesday of every month at 4:00 p.m. in City Council Chambers. The Commission is comprised of 11 city residents, each with a required professional background and appointed by the Mayor and the City Council. Consult the deadline schedule for the hearing date that corresponds to your application deadline.



Step Three:

The Commission staff will distribute copies of your application materials to the Commission members for review. The commission staff will also prepare a Staff Report to review the application for compliance with the City's Historic Preservation Ordinance and other regulations specific to your application. Copies of this report are given to Commission members, faxed to the applicant, and made available to the public prior to the meeting.

Step Five:

At the Commission meeting, each applicant will have ten minutes to present his or her application. Anyone opposing the proposed work will also have ten minutes to make a presentation to the Commission. Commission members may ask questions of the applicant and other parties. The Commission will decide to approve your application, approve your application with conditions, or deny your application. Applications for the demolition of a building or site may require further procedures.



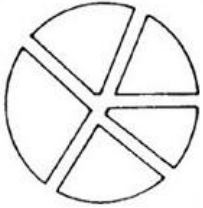
Step Six:

If approved for a Certificate Appropriateness, you may complete your application for a building permit.

Step Seven:

If denied, you will be unable to obtain a building permit. You may submit a revised application, taking into account the commission's objections to the proposed work or file an **APPEAL** in Fulton County Superior Court within 30 days on the Commission's decision.





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Application# _____

Date Accepted _____

TYPE IV

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS UNREASONABLE ECONOMIC RETURN

Applicant's Name _____

Applicant's Address _____

Phone # _____ Fax # _____ E-Mail _____

DESCRIPTION OF PROPERTY:

Property Address _____

Name of Property or District _____ Designation Type _____

County _____ District (Please Circle) 14 15 17 Land Lot _____ NPU _____ City Council District _____

DESCRIPTION OF PROJECT:

Describe clearly and in detail **ALL** new construction, alterations, repairs or other changes to the exterior appearance or site proposed for property under consideration. (Use additional pages as necessary).

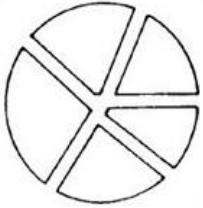
ADDITIONAL MATERIALS REQUIRED:

This application must be accompanied by any **relevant materials** to support your project, as specified in the addendum attachment.

I HEREBY AUTHORIZE THE STAFF AND MEMBERS OF THE ATLANTA URBAN DESIGN COMMISSION TO INSPECT THE PREMISES OF THE ABOVE DESCRIBED PROPERTY. I HEREBY DEPOSE AND SAY THAT ALL STATEMENTS HEREIN AND ATTACHED STATEMENTS SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT OR AGENT FOR APPLICANT

EXECUTIVE DIRECTOR, AUDC



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Application# _____

Date Accepted _____

ADDENDUM
TYPE IV CERTIFICATE OF APPROPRIATENESS
UNREASONABLE ECONOMIC RETURN

Directions: *Typewritten responses must be provided for ALL questions. Incomplete applications will not be accepted. If extra space is needed, please attach information and reference attachments for the appropriate question.*

Unreasonable economic return: To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the commission must find, the following, that the building or site is incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to commission evidence establishing, each of following factors:

- (1) The applicant's knowledge of the landmark designation of the time of acquisition, or whether the property was designated subsequent to acquisition.

- (2) The current level of economic return on the property as considered in relation to the following:
 - a) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.

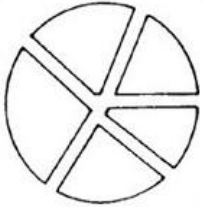
 - b) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

 - c) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.

 - d) Real estate taxes for the previous four (4) years and assessed value of the property according to the two most recent assessed valuations.

- e) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
 - f) The fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as designated building or site) at the time the application is filed.
 - g) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.
 - h) Any state or federal income tax returns on or relating to the property for the past two (2) years.
- (3) That the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:
- a) Any real estate broker or firm engaged to sell or lease the property.
 - b) Reasonableness of the price or rent sought by the applicant.
 - c) Any advertisements placed for the sale or rent of the property.
- (4) The feasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
- a) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

- b) Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.
 - c) Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - d) In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - e) The infeasibility of new construction around, above or below the existing protected building or site, and the infeasibility of a transfer or development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to section 16-28.023 of the Code of Ordinances.
- (5) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.
- (6) That the applicant has the present intent and the secured financial ability, demonstrated by documentary evidence and by those plans and materials which would otherwise be required in order to secure a foundation permit from the Bureau of Buildings, to replace the Landmark Building or Site with a replacement building, as the term "building" is defined in section 16-29.001 of the Code of Ordinances, which has a total square footage equal to the square footage of the footprint of the building or site proposed to be demolished or moved.
- (7) Also please provide photographs of the existing conditions of the building, both exterior and interior.



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Type III & IV

Certificates of Appropriateness

Sign Posting Instructions

Notice of Hearings: Per Section 16-20.008(c)(2) of the City of Atlanta Land Development Code, as amended, prior to any meeting of the commission at which an application for a Type III or IV Certificate of Appropriateness shall be considered, the following form of notice is required.

The director shall cause the property involved in the proposed change to be posted at least 15 days prior to the hearing. Such posting shall be in a conspicuous place on the property, by a sign or signs (as provided below) not less than six (6) square feet in area, bearing information as to the time, date, and place of the hearing and the nature of the proposed change.

One such sign shall be placed adjacent to each street the property abuts.

Do not mutilate, remove, modify, or relocate the sign posting(s).

INSTRUCTIONS:

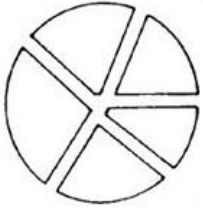
Your application will be placed on the Meeting Agenda for _____, therefore, your sign must be posted by _____ and must remain posted until the day after the meeting.

*As the applicant (application number _____), I acknowledge having received these instructions for **Type III & IV Certificates of Appropriateness Sign Posting Requirements.***

Printed Name

Signature

Date



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Application# _____

Date Accepted _____

SIGN POSTING AFFIDAVIT

SIGN POSTED ON THIS DATE: _____

NAME OF APPLICANT: _____

PROPERTY LOCATION: _____

LOCATION OF SIGN(S) POSTED: _____

SIGN COPY

“HEARING FOR APPLICATION WILL BE HELD ON _____ BY THE CITY OF ATLANTA URBAN DESIGN COMMISSION AT 4:00 pm, 2ND FLOOR, CITY COUNCIL CHAMBERS, CITY HALL-SOUTH BUILDING, AT 55 TRINITY AVENUE, ATLANTA, GEORGIA. “

I SWEAR THAT ON THE ABOVE DATE, I PERSONALLY POSTED IN THE MOST CONSPICUOUS PLACE POSSIBLE ON THE PREMISES AFFECTED BY THIS APPLICATION, SIGNS AS INDICATED ABOVE.

APPLICANT'S SIGNATURE

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AFFIDAVIT IS TRUE AND CORRECT TO THE BEST KNOWLEDGE AND BELIEF.

NOTARY PUBLIC

DATE

Affidavit must be received by the Atlanta Urban Design Commission no later than your hearing date. If affidavit is not received, your case will not be heard.